



Signed and Filed: November 6, 2023

*Dennis Montali*

DENNIS MONTALI  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re ) Bankruptcy Case No. 23-30564-DM  
 )  
THE ROMAN CATHOLIC ARCHBISHOP ) Chapter 11  
OF SAN FRANCISCO, )  
 )  
 ) Date: November 9, 2023  
Debtor. ) Time: 1:30 PM  
 ) Via Tele/Videoconference  
 ) [www.canb.uscourts.gov/calendars](http://www.canb.uscourts.gov/calendars)  
 )

**PRELIMINARY COMMENTS ON MOTION REGARDING CLAIMS BAR DATES, ETC.**

The court has reviewed *Debtor's Motion for Order: (1) Fixing Time for Filing Proofs of Claim; (2) Approving Proof of Claim Forms; (3) Providing Confidential Protocols; and (4) Approving Form and Manner of Notice ("Motion") (Dkt. 220); the Committee's Limited Objection to Debtor's Motion for Order: (1) Fixing Time for Filing Proofs of Claim; (2) Approving Proof of Claim Forms; (3) Providing Confidential Protocols; and (4) Approving Form and Manner of Notice (the "Committee's Objection") (Dkt. 273); and the Limited Objection and Reservation of Rights of Certain Insurers Regarding Debtor's Bar Date Motion ("Insurers' Objection") (Dkt. 274). Preliminarily,*

1 the court appreciates and compliments the parties and their  
2 counsel on making a concerted effort to come to a consensus  
3 about how to resolve these matters. To the extent that they  
4 make further progress prior to the hearing on November 9, 2023,  
5 the court will look forward to a report of that progress and to  
6 the extent the following matters have been resolved, the court  
7 is not likely to second guess the parties' consensus on these  
8 matters.

9 **I. Claims Deadline.**

10 The February 20, 2024 deadline for all claims is reasonable  
11 and appropriate, and is likely to be approved.

12 **II. General Proof of Claim Form (Exhibit 2 to Motion).**

13 The Proof of Claim form should have a bold, all caps entry  
14 below the caption but above the "Official Form 410" heading that  
15 reads something like: This Proof of Claim form should not be  
16 filed or submitted by parties asserting a Survivor Proof of  
17 Claim. They should use the Confidential Survivor Proof Of  
18 Claim.

19 **III. Confidential Survivor Proof of Claim Form (Exhibit 3 to**  
20 **Motion).**

21 Page two of Dkt. 220-3 states that the Confidential  
22 Survivor Proof of Claim "has two separate components". One is  
23 a mandatory official form and one is a confidential form. The  
24 court wants those documents to be truly "separate" so that the  
25 "Confidential Survivor Supplement" bears the court and caption  
26 much like it appears in the Oakland Archbishop case, Case No.  
27 23-40523, Dkt. 285-4. Given the foregoing, the language should  
28 be edited in Dkt. 220-3, the

1 "Confidential Survivor Proof of Claim" accordingly. Further,  
2 the Confidential Survivor Proof of Claim should also bear a bold  
3 caption that contrasts with Exhibit B by stating in bold that it  
4 is to be used for assertion of a "Survivor Claim". Further, the  
5 separate supplement should not have a deadline for submission  
6 (as the Oakland case does).

7 **IV. Deadline for Voluntary Submission.**

8 Unlike the Oakland procedures, the court is not inclined to  
9 impose a deadline on submission of the voluntary statements  
10 because to fix such a deadline could easily require an  
11 explanation as to the consequences of not meeting that deadline.  
12 Instead, the three parties' counsel should see if they can come  
13 up with a satisfactory statement to insert that expands upon the  
14 reason for submitting such a statement insofar as it may  
15 facilitate effective review of the claimants' submissions.  
16 This might include language that parallels the explanation in  
17 the Oakland form at Dkt. 285-4, p. 2 of 13, ln. 17-18, namely  
18 explaining why providing the information "may reduce the  
19 likelihood that parties will need to provide more information at  
20 some later date under more formal procedures."

21 The court likely will order a sixty-day period after the  
22 Claims Bar Date before it will permit formal discovery of any  
23 information from Survivor Claimants who do not submit voluntary  
24 Confidential Survivor Supplements.

25 **V. The Supplement Does Not Contravene Established Claim**  
26 **Procedures.**

27 This judge has overseen the Pacific Gas and Electric  
28 Company Chapter 11 bankruptcy cases since they were filed in

1 January, 2019. Those cases were precipitated by a series of  
2 wildfires that caused tens of thousands of claims to be filed  
3 asserting billions of dollars in damages. The court approved  
4 in that case a detailed information gathering process that did  
5 not contravene established claim procedures, but simply  
6 supplemented detailed procedures necessary to allow the Fire  
7 Victim Trustee to analyze the particulars of each and every  
8 claim.

9 In this case, the voluntary supplement should help achieve  
10 a similar purpose, albeit it for a vastly smaller universe of  
11 claimants. Accordingly, the Committee's Objection on that  
12 ground will be overruled.

13 **VI. Claims Questionnaires and Mediation.**

14 While the court anticipates that mediation may be a vehicle  
15 to resolve this case on a macro basis and lead to a confirmed  
16 plan, the collection of information regarding individual  
17 claimants is critical for a proper evaluation of each of those  
18 claimants' own situation. Stated otherwise, a completed  
19 questionnaire might very well provide adequate information for  
20 the Debtors and their insurers to recommend allowance of any  
21 particular claim to which there is little or no doubt about its  
22 viability and allowability in this bankruptcy case. In the  
23 future, the mediator and the principal counsel will no doubt  
24 work out appropriate protocols for dealing with the prospective  
25 reorganization, but there is no reason not to facilitate the  
26 collection and evaluation of that information. The Committee's  
27 Objection on that this ground is also overruled.

1 **VII. Limited Access to Confidential Information.**

2 The court urges the Debtor, the Committee and the Insurers  
3 to work further before the Thursday hearing to see if they can  
4 come to a consensus about not overdoing the need to involve each  
5 and every representative, regardless of profession, with a  
6 separate confidentiality agreement while at the same time  
7 insuring the confidentiality as expected by the Survivors who  
8 have asserted Survivor Claims.

9 **VIII. Definitions in Proposed Order.**

10 The Proposed Order (Dkt. 220-1), in para. 5 at p. 4 of 11,  
11 includes three defined terms in subparagraphs (a), (b) and (c).  
12 The Confidential Survivor Proof of Claim, on p. 3 of 12, sets  
13 forth verbatim the definition of "**Survivor Claim**", but does not  
14 include the related defined terms "**Abuse**" or "**Survivor**  
15 **Claimant**". Those two terms should be added to the Proof of  
16 Claim form.

17 **IX. Unnecessary Duplication.**

18 The Confidential Survivor Supplement, at pp. 2 and 5, asks  
19 the Claimant to attach a copy of any complaint that has been  
20 filed. One of those two provisions should be deleted.

21 **X. Additional Information.**

22 The court agrees with the Insurers' Objection that Part 3  
23 of the Confidential Survivor Supplement should include the  
24 question set forth in Dkt. 274, at p. 6, ln. 3-5. It disagrees  
25 with the alternative suggestion at footnote 5 that several  
26 questions be moved from the Confidential Survivor Supplement to  
27 the Confidential Survivor Proof of Claim.  
28

1 **XI. Represented and Pro Se Plaintiffs.**

2 At the hearing on November 9, counsel for the Debtor should  
3 report on the number of known pre-petition lawsuits that have  
4 been filed by counsel and have been filed by *pro se* parties.

5 **XII. Clarification of Terminology.**

6 In the Motion, at footnote 8, the Debtor makes reference to  
7 the "Abuse Bar Date". As near as the court can determine from  
8 the other filings and the prospective exhibits, that term has  
9 not been repeated and may well have been a scrivener's error  
10 based upon a prior draft. At the hearing, counsel for the  
11 Debtor should confirm whether that is the case and reaffirm that  
12 that term will not be used in any of the operative documents.

13 \*\*\* END OF PRELIMINARY COMMENTS \*\*\*  
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COURT SERVICE LIST

ECF Recipients